Appl. No.:   09/772,502
Amdt. Dated: 01/06/2004
Off. Act. Dated: 10/06/2004

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1.   <u>Rejection of Claims 1-25 under 35 U.S.C. §112, second paragraph</u>.

Claims 1-25 were rejected under 35 U.S.C. §112, second paragraph as being incomplete for omitting essential structural cooperative relationships of elements, specifically the interconnection and cooperation of the elements within Claims 1, 21-23 and 25.

In response, the Applicant has amended Claims 1, 21-23 and 25 to more clearly recite cooperative structural relationships between the elements.

In particular the claims were restructured to recite aspects associated with a <u>label-switch controller</u> and a <u>switching device</u>, to which each of the additional elements can be generally associated.

It should be recognized that the basic arrangement of a network element is shown in FIG. 4, within which the multicasting elements of the current invention operate. The claim amendments recite the cooperative relationship between these elements. The relationship of the switching device is recited as being "configured for being controlled by said label-switching controller", which illustrates a cooperative relationship between the portion of the system which adds headers to the data payload for controlling routing and the portion which receives route switching commands.

Applicant submits that amended Claims 1, 21-23 and 25 are fully complete with concise descriptions of the cooperative relationships that exist between the elements. Therefore, the rejection of amended independent Claims 1, 21-23 and 25, and the claims which depend therefrom, should be withdrawn.

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2.   Double Patenting.

The following claims were subject to an obviousness-type double patenting rejection.

(a)   Claims 1-25 were rejected for obviousness-type double patenting based on claims 1-27 of U.S. Patent No. 6,111,673.

(b)   Claims 1-25 were rejected for obviousness-type double patenting based on claims 1-44 of U.S. Patent No. 6,160,651.

(c)   Claims 1-25 were provisionally rejected for obviousness-type double patenting based on claims 1-25 of any one of copending patent application serial numbers 09/772,508 or 09/774,289.

(d)   Claims 1-25 were provisionally rejected for obviousness-type double patenting based on claims 1-22 of any one of copending patent application serial numbers 09/772,387, 09/772,392, 09/772,507 or 09/774,504.

(e)   Claims 1-25 were provisionally rejected for obviousness-type double patenting based on claims 1-34 of any one of copending patent application serial numbers 09/772,428 or 09/774,430.

(f)   Claims 1-25 were provisionally rejected for obviousness-type double patenting based on claims 1-30 of copending patent application serial numbers 09/774,264.

In response to the above, the Applicant is submitting herewith a Terminal Disclaimer for the above-listed patents and patent applications.

3.   Amendment of Claims 1-25.

The Applicant has amended the claims as follows:

Claims 1-25. In the preamble of dependent claims "The system" has been replaced with "A system" which maintains a consistent introduction for both independent and dependent claims while not introducing any confusion.

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A comma was added to delineate the preamble portion of each dependent claims, for example changing "as recited in claim 1 wherein" to "as recited in claim 1, wherein".

The use of commas (,) delimiting the recited elements of the claim has been replaced with semicolons (;), according to preferred practice.

The phrase "further includes" has been replaced with the more conventional "further comprising", "further comprises", or "comprising".

The term "configured" was added where appropriate to more clearly recite relationships between described elements and functions, such as "filter configured for filtering"; "mixer configured for mixing" and so forth.

In some cases claim formatting, such as indentations, were altered to enhance readability.

The foregoing claim amendments were made to improve overall readability and maintain consistency. No new matter has been added and the amendments are not intended to affect the scope of the claims in any way.

Claims 1, 21-23 and 25. These claims were amended to recite aspects of the invention with greater particularity with regard to reciting cooperative relationships.

Portions of the claims were subsumed under system elements recited as a label-switch controller and a switching device, within which the cooperation of the elements is described.

Support is found throughout the specification with the following provided by way of example. FIG. 4 depicts the basic arrangement of a network element in the optical network from which multicasting according to the invention is being performed. This figure depicts the use of a "label-switch controller 410" which is coupled for controlling a "switching device 430", a description of which is found on page 30, line 19 through page 34, line 5 of the application. These aspects of the invention may be implemented in a number of ways according to the different embodiment of the present invention. It will

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be appreciated that this general prior art structure of controller and switching device is also described in US Patent No. 6,111,673 to Chang, which is extended herein for performing multicasting using a single sub-carrier header and a multicast switch with header insertion according to the present invention.

Details of various switching variations are shown in more detail in FIG. 7 through FIG. 14, 20, 22-24, 31-33 and so forth. In contrast with single casting which is described for FIG. 6, the diagram of FIG. 7 describes an embodiment of multicasting within the invention. The switching device has a "detector" shown as header detector 730 in FIG. 7 (see page 41, lines 6-10), and a "selector" shown as input port 721 configured for multicasting to both output ports 722, 723 (see page 41, lines 13-22). These aspects are described at numerous locations throughout the text with the above being provided by way of example in support of the claim amendment.

The foregoing claim amendments were made to improve overall readability and maintain consistency. No new matter has been added and the amendments are not intended to affect the scope of the claims in any way.

4.   Conclusion.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.
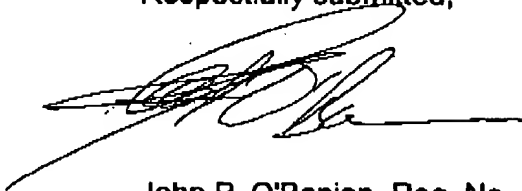
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Respectfully submitted,

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